

MINUTES OF THE NEBRASKA NATURAL RESOURCES COMMISSION MEETING

MARCH 21, 2002

Those in attendance were:

Joseph Hergott, Chair	Arlond Garratt, Member
Wayne Madsen, Member	LeRoy Pieper, Member
Richard Jiskra, Member	Glenn Johnson
Don Larson, Member	Bill Meyer
Vince Kramper, Member	Jerry Sandeen
Beverly Donaldson, Member	Bob Wolf
Roger Korell, Member	Mike Sotak
Wayne Davis, Member	Mike Onnen
Frank Bartak, Member	Eric Dove
Robert Hahn, Member	Tom Pesek, Staff
Jim Van Marter, Member	Gayle Starr, Staff

CALL TO ORDER

The meeting was called to order by Commission Chair Joseph Hergott in the conference room of the Lower Platte South NRD in Lincoln, Nebraska at approximately 9:40 a.m.

NOTICE OF THE MEETING

Notice of the meeting was placed in the LINCOLN JOURNAL-STAR on March 13, 2002, notifying the public of the meeting.

INFORMATIONAL MATERIAL

The following items of informational material were distributed during the course of the meeting and a copy of each is attached to the file copy of the minutes.

1. Leigh Project Proposal – Lower Elkhorn NRD.
2. Nebraska Resources Development Fund – Quarterly Report.
3. Expenditure Report for January and February 2002.
4. Letter from Lower Platte South NRD on Antelope Creek Flood Control Project.
5. Status of Small Watersheds Flood Control Fund.
6. Nebraska Resources Development Fund Present Financial Status.
7. Comprehensive Planning Committee Minutes.
8. Project Map – Little Sandy Creek Watershed – Fillmore, Jefferson, Saline and Thayer Counties.
9. NRCS Report to the NRC and NARD.
10. Nebraska Soil & Water Conservation Fund report, Water Well Decommissioning Report, and Natural Resources Water Quality Fund Report.

MINUTES

Motion was made by Kramper and seconded by Jiskra to approve the minutes of the January 30, 2002 meeting as distributed. Motion carried.

Aye: Davis, Jiskra, Donaldson, Bartak, Garratt, Larson, Kramper, Korell, Pieper, Madsen,
Van Marter, Hahn, Hergott

Nay: None

Not Present: Anderson, Johannes, Roberts

EXPENDITURES

Gayle Starr noted that the expenditure report for January and February 2002 had been distributed to Commission members.

ADVISOR'S COMMENTS

Doug Gahn, representing the Natural Resources Conservation Service distributed a report of NRCS activities and briefly updated the Commission on Congressional discussions involving the Farm Bill, the Environmental Quality Incentive Program, RC&Ds, Watershed Program, Watershed Rehabilitation Program, and the Wetland Reserve Program. He also briefly described the potential of increased funding as a result of provisions of the new farm bill and commented on what that could mean for NRCS programs in Nebraska.

DIRECTOR'S REPORT

Gayle Starr noted that Roger Patterson was meeting with NRDs in the Republican Basin to discuss the on-going negotiations regarding the Kansas vs. Nebraska and Colorado lawsuit and therefore is unable to be present. Starr commented briefly on the negotiations with Kansas, the Cooperative Agreement, and the budget cuts that are being considered by the Legislature.

ENVIRONMENTAL TRUST

Vince Kramper briefly noted that the next meeting of the Trust would be on April 3rd when they would have a hearing on their grants for the coming year. He noted that the recommendation going to the Trust Board was to approve \$5.1 million of new grants and \$4 million for on-going multi-year grants. Kramper added that the Board is also taking a look at their application rating scale.

PROGRAM COMMITTEE

Beverly Donaldson noted that all Commission members present had also been at the Program Committee and so the Resources Development Fund status reports could be skipped and move directly to the recommended action on the Antelope Creek Project. Committee Chair, Beverly Donaldson submitted the committee recommendation on the Antelope Creek Resources Development Fund project as follows:

The Natural Resources Commission, having reviewed and considered the recommendations of the Director of Natural Resources, hereby makes the following findings of fact:

- (1) The Antelope Creek Project will be of general public benefit;
- (2) The project plan does not conflict with any existing state land plan;
- (3) The project has been determined to be technically, economically, and financially feasible and environmentally acceptable according to the Resources Development Fund criteria;
- (4) The plan for development is satisfactory;
- (5) The plan minimizes any adverse impacts on the natural environment;
- (6) The Lower Platte South Natural Resources District (NRD) is qualified, responsible, and legally capable of carrying out the project;
- (7) Other plans and programs of the state were taken into consideration in preparing the plan of development in accordance with section 84-135, and resources development plans of the political subdivisions of the state were considered;
- (8) The project will not jeopardize the continued existence of any threatened or endangered species or

modify or destroy the habitat of any such species;

And therefore resolves:

- (1) That the Antelope Creek Project be determined eligible for funding from the Nebraska Resources Development Fund; actual funding to be subject to the condition that the money required from the Fund is available and the application of the assessment system for obligating funds.
- (2) That the funding, if and when provided, be in the form of a grant for up to \$6,742,666.67 not to exceed 65% of the NRD's eligible total local project cost of \$10,373,333.33, including feasibility study costs of \$50,000, with funding contingent upon the regulation of development in those areas along the project that will be below the post-project 100-year flood elevation.
- (3) That design services which may be performed prior to project approval be eligible for NRDF cost-share, and
- (4) That the Director of Natural Resources be authorized to negotiate and enter into a contract with the Lower Platte South NRD, such contract is to specify all appropriate provisions relative to NRDF funding of the project.

Motion failed.

Aye: Donaldson, Bartak, Garratt, Larson, Kramper, Pieper, Hahn, Hergott

Nay: Jiskra, Davis, Korell, Madsen, Van Marter

Not Present: Johannes, Anderson, Roberts

Motion was made by Davis and seconded by Jiskra to approve the Antelope Creek Project as follows:

The Natural Resources Commission, having reviewed and considered the recommendations of the Director of Natural Resources, hereby makes the following findings of fact:

- (1) The Antelope Creek Project will be of general public benefit;
- (2) The project plan does not conflict with any existing state land plan;
- (3) The project has been determined to be technically, economically, and financially feasible and environmentally acceptable according to the Resources Development Fund criteria;
- (4) The plan for development is satisfactory;
- (5) The plan minimizes any adverse impacts on the natural environment;
- (6) The Lower Platte South Natural Resources District (NRD) is qualified, responsible, and legally capable of carrying out the project;
- (7) Other plans and programs of the state were taken into consideration in preparing the plan of development in accordance with section 84-135, and resources development plans of the political subdivisions of the state were considered;
- (8) The project will not jeopardize the continued existence of any threatened or endangered species or modify or destroy the habitat of any such species;

And therefore resolves:

- (1) That the Antelope Creek Project be determined eligible for funding from the Nebraska Resources Development Fund; actual funding to be subject to the condition that the money required from the Fund is available and the application of the assessment system for obligating funds.
- (2) That the funding, if and when provided, be in the form of a grant for up to \$6,224,000.00 not to exceed 60% of the NRD's eligible total local project cost of \$10,373,333.33, including feasibility study costs of \$50,000, with funding contingent upon the regulation of development in those areas along the project that will be below the post-project 100-year flood elevation.
- (3) That design services which may be performed prior to project approval be eligible for NRDF cost-share, and
- (4) That the Director of Natural Resources be authorized to negotiate and enter into a contract with the Lower Platte South NRD, such contract is to specify all appropriate provisions relative to NRDF funding of the project. Motion carried.

Aye: Donaldson, Bartak, Garratt, Larson, Korell, Madsen, Van Marter, Davis, Pieper, Jiskra, Hergott

Nay: Kramper, Hahn

Not Present: Johannes, Anderson, Roberts

Donaldson submitted the committee recommendation that the Natural Resources Commission obligate funds to the Antelope Creek Project effective immediately as follows:

Component #1	Feasibility Study	\$30,000.00
Component #2	Design – Phase I	87,000.00
Component #3	ROW Acquisition – Initial	1,383,000.00
Total:		\$1,500,000.00

Motion carried.

Aye: Bartak, Garratt, Larson, Kramper, Korell, Madsen, Van Marter, Hahn, Davis, Jiskra, Pieper, Donaldson, Hergott

Nay: None

Not Present: Johannes, Anderson, Roberts

Donaldson explained that the Committee reviewed the Director's letter on the Blue Creek irrigation project and she submitted the committee recommendation as follows:

That the Natural Resources Commission advise the Blue Creek Irrigation District and the North Platte NRD that they may proceed with an application and feasibility report for the Blue Creek Irrigation Rehabilitation Project and that they are to address the comments and questions contained in the letter from the Director of Natural Resources.

Motion carried.

Aye: Garratt, Larson, Kramper, Korell, Pieper, Madsen, Van Marter, Hahn, Davis, Jiskra, Donaldson, Bartak, Hergott

Nay: None

Not Present: Johannes, Anderson, Roberts

Donaldson submitted the Committee recommendation on the Lake Ericson project as follows:

That the Natural Resources Commission obligate funds to the Lake Ericson Project effective immediately as follows:

Component #1	Feasibility Study	\$32,130.00
Component #2	Final Engineering Design	<u>33,390.00</u>
Total:		\$65,520.00

Motion carried.

Aye: Larson, Kramper, Korell, Pieper, Madsen, Van Marter, Hahn, Davis, Jiskra, Donaldson, Bartak, Garratt, Hergott

Nay: None

Not Present: Johannes, Anderson, Roberts

- Donaldson submitted the Committee recommendation on the amended agreement with the Nemaha NRD as follows:

- That the Natural Resources Commission approve the amended agreement for use of the Small Watersheds Flood Control Fund by the Nemaha NRD at Site 23 of the Upper Little Nemaha Watershed Project.

- Motion carried.

Aye: Kramper, Korell, Pieper, Madsen, Van Marter, Hahn, Davis, Jiskra, Donaldson, Bartak, Garratt, Larson, Hergott

Nay: None

Not Present: Johannes, Anderson, Roberts

Mike Onnen, Manager of the Little Blue NRD, and project consultant, Eric Dove, discussed the Little Sandy Creek Watershed Resources Development Fund project application, and responded to questions. Tom Pesek distributed the Director’s recommendation to Commission members which would be considered at the next Commission meeting.

It was noted that the Director’s recommendation on the Western Sarpy/Clear Creek Project application was not yet ready for Commission consideration but should be ready by the next Commission meeting.

Jerry Sandeen of the Village of Winslow discussed their proposed levee project and responded to Commission member’s questions concerning the project. It was noted that the village should work with the Lower Elkhorn NRD in preparing their application for Resources Development Fund assistance for their potential flood control levee.

Bill Meyer, a member of the Lower Elkhorn NRD board introduced Mike Sotak and Bob Wolf of Olsson Associates who briefed the Commission on the Resources Development Fund project proposal for the Leigh Dam Project. Bill Meyer responded to a number of questions concerning project support and land treatment in the project area.

Donaldson submitted the committee recommendation concerning the distribution of Soil and Water Conservation Fund meter funds for the remainder of the fiscal year by allocating \$25,000 to the North Platte NRD, \$15,000 to the Upper Niobrara-White NRD and the remaining available funds to the NRDs with management areas based on each of their share of registered irrigation wells in their management areas. Motion carried.

Aye: Korell, Pieper, Madsen, Van Marter, Hahn, Davis, Jiskra, Donaldson, Bartak, Garratt, Larson, Kramper, Hergott

Nay: None

Not Present: Johannes, Anderson, Roberts

LEGISLATIVE & BUDGET COMMITTEE

Commission Chair, Joe Hergott, noted that the Legislative and Budget Committee had discussed several legislative items at their meeting yesterday afternoon but had not taken any action on any of the issues.

COMPREHENSIVE PLANNING COMMITTEE

Wayne Madsen noted that the committee minutes had been distributed to Commission members and that the committee was not proposing any action and if Commission members had any questions they could address them to the staff.

FUTURE MEETINGS

Arlond Garratt noted that he would be attending the next meeting of the Central Platte NRD and would be asking them to invite the Commission to hold their July meeting in Grand Island.

NEXT MEETING

The next meeting of the Commission will be May 22 and 23 in Lincoln, including the special meeting for the annual assessment of Resources Development Fund projects.

Chair

Director of Natural Resources